

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Prisons Department- NHRC – Case No.522/1/06-07-CD - Death of Under Trail Prisoner, Podium Bheemaiah, on 14-12-2006 at MGM Hospital, Warangal – National Human Rights Commission recommendation to pay a sum of Rs.1,00,000/- as monetary relief to the next kin of the deceased – Sanction accorded – Orders – Issued.

HOME (PRISONS-HRC) DEPARTMENT

G.O.RT.No. 1606

Dated:-26- 09- 2011.

Read the following:-

1. From the Joint Registrar(Law),National Human Rights Commission New Delhi Show Cause Notice dated 04-05-2011 in case No. 522/1/06-07-CD.
2. From the Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad Lr. No SB3/1630/ 2006, dated 30-05-2011.
3. Government letter No. 3260/Pri.C.HRC/2011, dated 08-06-11
4. From the Asst. Registrar(Law),National Human Rights Commission New Delhi Letter dated 25-08-2011 in case No. 522/1/06-07-CD.

ORDER:

In the reference first read above, the National Human Rights Commission has issued Show Cause Notice u/s 18(c) of Protection of Human Rights Act 1993 to the Chief Secretary, Government of Andhra Pradesh calling upon him to show cause as to why monetary relief should not be recommended to be paid to the next kin of the deceased, Podium Bheemaiah.

2. In the reference second read above, the Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad has furnished reply to the Show Cause Notice. Accordingly the Government vide letter third read above has furnished the above report to National Human Rights Commission for placing the same before the Commission.

3. In the reference fourth read above, the Commission obtained the opinion of the Department of Forensic Medicine, AIIMS, New Delhi on the medical record of the deceased. The Forensic Department while noting the cause of death as “upper gastro hepatosplenomegaly with cardiomegaly with lung disease” – a natural chronic disease involving multiple organs observed that it cannot develop overnight. It further opined that considering the findings and the treatment given in the Central Prison, it appears a case of medical negligence occurred in the Central Prison, Warangal, since the previous 1-2 months period is most important for progression as well as treatment of disease.

4. In view of the above, the Commission is of the opinion that the deceased had died in the judicial custody because of negligence on the part of the jail staff in providing proper medical treatment to the deceased. Hence, it recommends that a sum of Rs. 1,00,000/-(Rupees one lakh only) be paid as compensation to the next kin of the deceased by the State Government within four weeks and submit compliance report along with proof of payment by 08-10-2011.

P.T.O.

5. Government after careful examination, hereby accord sanction for an amount of Rs 1,00,000/- (Rupees one lakh only) towards payment of compensation to the legal heir of the deceased Under Trail Prisoner Podium Bheemaiah as directed by the National Human Rights Commission, New Delhi.

6. The amount sanctioned in para 4 above shall be debited to the Head of Account "2056 Jails - 101. Jails - SH (04) Jails - 500 other charges - 501 Compensation (Non Plan) and shall be met from the provision available in Budget Estimates 2011-12.

7. The Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, is authorized to draw the amount sanctioned in para 5 above and to place at the disposal of Collector & District Magistrate, Khammam for making payment to the legal heirs of the deceased Under Trail Prisoner, Podium Bheemaiah and submit compliance report along with the proof of payment by 29-09-2011, as the due date for submission of report is 8-10-2011.

8. The Director General and Inspector General of Prisons and Correctional Services Andhra Pradesh, Hyderabad, shall take necessary action accordingly.

9. This order issues with the concurrence of the Finance (Exp.Home) Department, vide their U.O.No.2881/379/A2/Expr.Home /2011, dated: 24-09-2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.P.ACHARYA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General and Inspector General of Prisons and
Correctional Services, Andhra Pradesh, Hyderabad.
The Joint Registrar (Law), National Human Right Commission,
Faridkot House, Copernicus Marg, New Delhi.
The Director of Treasuries, Andhra Pradesh, Hyderabad.
The Pay & Accounts Officer, Hyderabad.
The District Treasury Officer, Khammam District.
The Collector & District Magistrate, Khammam.

Copy to:

The Principal Secretary to Government (Political),
General Administration Department.
The Finance (Exp.H&L) Department.
The Finance (BG) Department.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER